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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/555,389

Filing Date

November 3, 2005

First Named Inventor

Jon Owen Curwen

Art Unit

1614

Examiner Name

Christopher R. Stone

Attorney Docket Number

056291-5213

**ENCLOSURES (Check all that apply)**☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify  
below):

1. Response to Non Responsive

2. Executed Oath &amp; Declaration of Paul Elvin

3. Copy of USPTO Office Communication

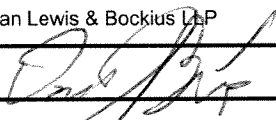
Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Morgan Lewis &amp; Bockius LLP

Signature



Printed name

Donald J. Bird

Date

January 23, 2009

Reg. No.

25,323

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:	)	Confirmation No. 9420
	)	
CURWEN et al.	)	
	)	
Application No.: 10/555,389	)	Group Art Unit: 1614
	)	
Filed: November 3, 2005	)	Examiner: Christopher R. Stone
	)	
FOR: THERAPEUTIC AGENTS COMPRISING	)	
AN ANTI-ANGIOGENIC AGENT IN	)	
COMBINATION WITH AN SRC-	)	
INHIBITOR AND THEIR THERAPEUTIC	)	
USE	)	

Date: **January 23, 2009**

**RESPONSE TO COMMUNICATION NOTING THAT THE  
OCTOBER 14, 2008 SUBMISSION WAS NOT FULLY RESPONSIVE**

This is in response to the Communication mailed January 7, 2009 in which it was noted that the Amendment and Response filed October 14, 2008 was not fully responsive, in that the Elvin Declaration referred to in that Response was not included with the filing.

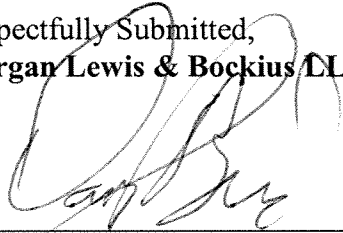
In response to the January 7, 2009 Communication, the executed **Elvin Declaration** that was intended to have been submitted with the October 14, 2008 Response (but was inadvertently omitted) is transmitted herewith. A copy of the January 7, 2009 Communication is also attached.

The undersigned thanks the Examiner for bringing this omission to his attention.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is

intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**



Date: January 23, 2009  
Morgan Lewis & Bockius LLP  
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1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
DJB:db

By:

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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# COPY

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,389	11/03/2005	Jon Owen Curwen	056291-5213	9420
9629 7590 01/07/2009 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER STONE, CHRISTOPHER R	
			ART UNIT 1614	PAPER NUMBER
			MAIL DATE 01/07/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# COPY

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10555389	11/3/2005	CURWEN ET AL.	056291-5213

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER

CHRISTOPHER R. STONE

ART UNIT	PAPER
1614	20090105

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

**DETAILED ACTION**

The reply filed on October 14, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's reply indicates that a declaration demonstrating the efficacy of the instantly claimed method in the treatment of human lung cancer in a mouse xenograft model (p. 8 and 9) was intended to be filed with the reply; however no such declaration was filed for consideration. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Stone whose telephone number is 571-270-3493. The examiner can be normally reached Monday thru Thursday, 7am to 3pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access on to the Private Pair system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to be automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia A. Duffy/  
Primary Examiner, Art Unit 1645